

Minutes of the Taunton Conservation Commission October 17, 2016

Present: Steven Turner, Chair; Neil Kelly, Vice Chair; Marla Isaac; Debra Botellio; Luis Freitas; Ernest Enos; and Richard Enos

Motion to approve Minutes from September 12, 2016 – DB, MI seconded, so moved.

Violation

1. **165R Hart St.:** Mr. Telsi wrote to request a continuance to the next meeting due to Sukkot, a Jewish holiday. DB & LF were not in favor of decreasing the fines. LF & ST went to the site and talked with area residents. ST walked the site with Mr. Rego. He is not in favor of releasing fines. Motion: To maintain the Cease & Desist order and continue the daily accumulation of fines. DB, LF second. So moved. Motion to continue to Nov. 14th and for MR to let Mr. Telsi know that it has been continued. Send the notice certified and that he must attend. DB, LF second. So moved. Motion: Check with Legal to see if there is anything else the Commission should do. DB, MI second. So moved.

Certificate of Compliance

1. **230 Hodges St., SE 73-2615:** This project was for a Title V upgrade to remove an existing cesspool and replace with a new septic system, all within the 100-foot buffer zone of a bordering vegetated wetland (BVW). All work has been completed in significant compliance to the Order of Conditions issued on May 15, 2015. All areas are stable and there is no indication of siltation into the adjacent wetland. MR recommends issuing a COC for this project. DB, RE second. So moved.
2. **50 South St, SE 73-2286:** This filing was for the construction of an addition to the existing building, additional parking, and construction of a grass swale to treat the additional stormwater from the paved area. No work was started on this project and the Applicant wishes to close the file. MR recommends issuing a COC for this project. DB, MI second. So moved.

Public Meeting

1. **795 S. Precinct St. DSE-1140:** Dan Cox, owner. This filing is for the construction of an “L” – shaped deck, 16’ x 17’, which falls within the 100-foot buffer zone of a bordering vegetated wetland. The Applicant used the engineered plan used for a previous filing (garage and mudroom) with the Conservation Commission. The proposed shed will be nestled between the garage and house and will be no closer than 75 feet to the wetland. The work as proposed will not negatively impact the wetland. MR recommends that the

Commission approve the project and issue a Negative Determination with attached Special Conditions 1-4. Motion by DB, 2nd LF, so moved.

2. **88 Henry Road DSE-1141:** Lin Wong, owner's daughter. This filing is for approval to construct a 20' x 16' shed within the 100-foot buffer zone to a Bordering Vegetated Wetland (BVW). The Applicant wants his shed to be on the east side of the driveway rather than in the backyard, as MR had originally recommended. The proposed shed will be 26 feet from the edge of the wetland and will be on sona tubes which will be dug by hand. MR recommends that a siltation barrier be installed to the east of the proposed construction and that it be considered the limit of work. This shed shall not be any closer to the wetland than 26 feet. All disturbed areas are to be stabilized to prevent erosion from entering the wetland. MR recommends that the Commission approve the project and issue a Negative Determination with the following Special Conditions – 1-4, 14, 18. Motion by DB, 2nd MI, so moved.
3. **120 Solitude Drive DSE-1142:** Brandon Lopes, owner. This filing is for the construction of a 16' x 32' in-ground pool within the 200-foot riverfront area of the Three Mile River. All work will be within the outer Riparian Zone and meets all zoning setbacks. The pool will be 173 feet from the river, and 21 feet higher than the river elevation. The pool is located closer to the Riverfront Area as this area is the most level. If placed outside the Riverfront Area, then a great deal of fill would be required as this area is much steeper. I recommend that a cartridge filter be used as there is no backwashing associated with it. The proposed project will not negatively impact the Riverfront Area. MR recommends that the Commission approve the project and issue a Negative Determination with the following Special Conditions – 1-4, 18. Motion by NK, 2nd MI, so moved.

Continued Amendment

1. **Lot 82 Bluegrass Circle, SE 73-2440:** This filing was continued in order for the owner to discuss his use of pesticides, herbicides, and fertilizers. Brian Grady represented the Applicant, and abutter Monica Scheralis was present. An informational sheet was passed around and the application process was explained. Motion to approve with review in the Spring with the Extension request DB, 2nd MI, so moved.

2.

Extension

1. **22 Fairview Avenue, SE 73-2417 (ANRAD):** The area delineated is located behind #22 Fairview Avenue, consisting of 8.26 acres, between Laurel, Frechette, and Crossman Streets, all currently undeveloped. There are 4.42 acres of upland. The delineation was performed by Walter Hewitson on April 14, 2009.

Due to the recent unfavorable market conditions and financial obligations, the Applicant was not able to market his property. He requests a one year Extension so that he has more time to work on selling this property. MR recommends that the Commission grant a one year Extension to end on December 22, 2017. Motion to grant Extension DB, 2nd NK, so moved.

Continued Public Hearings

1. **Phyllis Road, SE 73-2646:** The Applicant wishes to Withdraw without Prejudice. Motion to accept the Withdrawal **with** Prejudice, DB, 2nd MI, so voted.
2. **Woodbine St, SE 73-2671:** Nick Dufresne, Farland Corp., Chris Coute, owner, Brian Madden, LEC. This filing is for the improvement and extension of Woodbine Street, which is currently 402 feet long and, at most, 30 feet wide, and the removal of the abandoned roller rink. The proposed upgrade will include a 100-foot diameter cul-de-sac at the end of the proposed new road with a total length of 540 feet and width of 26 feet. The wetland line at the end of the road was approved under DEP file #SE 73-2654 and an ORAD issued on May 18, 2016. The ORAD's second page was corrected from BVW to ILSF (scribner's error). The area that falls into Taunton Conservation jurisdiction is located within the cul-de-sac, which amounts to 5,033 sq. ft. of the 7,857 sq. ft. of the proposed cul-de-sac. All work will be outside the 25-foot Wetland Protection Zone (WPZ). The closest work (grading) will be 29 feet from flag #WF23. The Applicant will use straw bales as the siltation barrier proposed in the revised narrative. In the first Field Report MR wrote: *"The Applicant is presenting this as a redevelopment project stating that it meets Standards #2, #4, #6, #7 of the Stormwater Management Standards. The Project Narrative states that they will be removing 17,850 sq. ft. of impervious area for a 48% reduction and reducing off-site runoff rate and volume. **Considering this is a roadway project, the removal of the former skating rink and pavement located on lots 65-486 & 487 cannot be included in this calculation. The current paved area vs new paved area may be a "wash", but the cul-de-sac is new pavement and adds 7,857 sq. ft. of impervious area.**"* The revised narrative addressed this and corrected the Stormwater Report. There will be an increase in impervious roadway area by 2,225 square feet. This is acceptable for a roadway. The Stormwater design shows that stormwater will be captured via deep sump catch basins which will direct the flow to the City's drainage system on Oak Avenue. An Operation and Maintenance Plan has been submitted with the filing and will remain in the file of record.

MR recommended that not all the stormwater be directed to the City's drainage system, especially in the area of the cul-de-sac. This would reduce the current amount of stormwater runoff from entering the wetland as it does currently – the contours slope

toward the wetland. I suggested creating a bioretention area at the end of the cul-de-sac. This would address two issues – invasive vegetation currently at the end of the road would be removed while stormwater entering the wetland would first be treated within the bioretention area. There would be no loss of water entering the wetland. **The Applicant cannot alter the wetland by decreasing the existing natural flow of stormwater into it. I recommend that the drainage within the cul-de-sac be re-engineered to enter a bioretention area which would then direct the treated water to the wetland.** Doing such would increase the quality of water entering the wetland and not decrease the amount of stormwater entering the wetland. MR received an email from the Natural Heritage Endangered Species Program (NHESP) regarding this project. Misty-Anne Marold from NHESP met with the Applicant, his Engineer and Wetland Biologist this past week to address concerns regarding the entire project as it relates to MESA. She has asked them to review the stormwater to allow infiltration of a portion of the site along the western fringe of the cul-de-sac. MR recommends that the Applicant submit a revised plan showing recommended changes to the stormwater control systems and that the Taunton Conservation Commission approve the project on the condition that revised plans are submitted to this office addressing the stormwater issues. Motion to approve the project and issue an Order of Conditions with the attached Special conditions once revised plans are submitted to the office as well as the letter from NHESP DE, 2nd RE, so voted.

Public Hearing

1. **190 Highstone Street, SE 73-2672.** Brad Fitzgerald for the Applicant. This filing is for a proposed septic system repair, associated grading, and water main extension within the 100-foot buffer zone of a bordering vegetated wetland and Bearhole Pond. The wetlands were flagged by Sabatia Inc. on January 30, 2016, and by SFG Associates on July 24, 2016. The existing well which is 12 feet from the pond will be abandoned and a water main will extend from the end of Highstone Street to a hydrant on the property. The water main will be installed under the current gravel driveway, all of which is within the 25-foot WPZ, to the hydrant, 42 feet from the BVW. The existing cesspool, 48 feet from the BVW, will be abandoned and the new soil absorption system (SAS) will be 55 feet from the pond and 53 feet from the wetland. Grading will fall 48 feet from the pond and 47 feet from the BVW. A siltation barrier is shown as the limit of work and follows the northern edge of the gravel drive to the existing drainage ditch to the west. The work as proposed will improve the overall conditions to the site by upgrading the septic system and adding city water to the site. MR recommends that the Taunton Conservation Commission approve this project and issue an Order of Conditions to include the attached Special Conditions 1-5, 8, 9, 17, 19, 21, 25-27, and also recommends that the Commission approve the wetland delineation as follows: Flags 1-1 to 1-8, 2-1 to 2-16, SFG-1 to SFG-6, and 3-8 to 3-10. Motion to approve filing and wetlands DB, 2nd NK, so voted.

2. **155 Misty Lane, SE 73-267.** Brad Fitzgerald for the owner, Julie Hackett, owner. This filing is for the proposed construction of a garage with breezeway, sunroom, deck, in-ground pool, and associated grading. The site is at the end of the cul-de-sac with wetlands along the southwesterly rear property line. The wetlands were originally delineated by Walter Hewitson on November 15, 2004 and refreshed by SFG Associates on June 15, 2016. This property was in existence prior to the inception of Taunton conservation By-Law and is exempt from the 25-foot WPZ. The southwest corner of the proposed pool and apron fall within the 25-foot WPZ. The northwest corner is 30 feet from the wetland while the southwest corner is 12 feet from the wetland. The deck, breezeway, and sunroom are between the house and the proposed pool and are no closer than 32 feet from the wetland (sunroom is 32' distant and the garage is 60' distant). Grading comes to within 5 feet of the wetland at flag #6. A siltation barrier runs south to north and is westerly of the wetlands. It hugs the property line and is 5 feet from the wetland at flag #6. The work as proposed should not negatively impact the adjacent wetland therefore MR recommends that the Taunton Conservation Commission approve the project and issue an Order of Conditions to include the attached Special Conditions – 1-5, 19, 21, 25-28. MR also recommends that the Commission approve the wetland delineation, flags 12 – 14 with flags 1 – 11 for reference purposes only. Motion to approve project and delineation NK, 2nd MI, so voted.
3. **Holloway St By-Pass (Staples St), SE 73-2674.** John Delano for the Applicant. This filing is for the construction of a single family home with driveway, attached garage, well, septic system, and associated grading. Cranberry bogs exist to the east of the property and an isolated land subject to flooding (ILSF) is located north of the project. The ILSF was originally flagged by Earth Services Corp. on 4/07/10 and re-flagged by Delano and Associates on 6/16/16. All work is outside the 25-foot WPZ and the plan shows the siltation barrier at the 25-foot line. The home will be built directly behind #792 Staples Street and will be 62 feet from the ILSF and 110 feet from the bog. A boulder retaining wall will be located along the north side of the driveway near the house and will be 26 feet from the ILSF. Grading will come to within 26 feet of the ILSF as well. The septic tank will be located 10 feet from the front of the house and the SAS will be entirely outside the 100-foot buffer zone. MR states that the work as proposed will not negatively impact the ILSF or the cranberry bogs, and recommends that the Taunton Conservation Commission approve the project and issue an Order of Conditions to include the attached Special Conditions. MR also recommends that the Commission approve the wetland boundary, flags WF12 – WF15, with flags WF1 and WF11 for reference purposes only. DB asked about the purpose for boulder retaining wall. JD said it is to decrease amount of fill. Michael & Pat House live across the street at #4 Holloway. Concerned with leaching and drying of well. They have no problem with one unit. Previous developers wanted 4 houses. Motion to approve as above: NK, 2nd MI, so voted.

4. **4-6 High Street Ext, SE 73-2677.** Nick Dufresne, engineer & Chris Coute, owner. This filing is for the proposed construction of a Duplex with decks, parking for 4 cars, utilities, and associated grading on this property which is within the Riverfront Area of the Taunton River and Zone AE (elevation 12) floodplain according to FIRM (Flood Insurance Rate Map) of July 16, 2015. The delineation was done by Ecosystem Solutions, Inc. on July 13, 2016. Top of Bank (TOB) is located along the easterly property line with wetlands along the edge of the river delineated using flags #1 through #5. This site formerly had two buildings on it that were razed under an Order of Conditions, DEP file # SE 73-2552. The Applicant is proposing to construct a 21' x 44' duplex with 12' x 12' decks facing the river. A 20' x 36' driveway/parking area will be constructed at entrance to the property on High Street Extension and will be 43 feet from the wetland (39' from TOB). The building will be 38 feet from the wetland and 32.8 feet from TOB and the decks will be 25' and 26' from the wetland and 21' and 22' feet from TOB. Grading is 22 feet from TOB and 28 feet from the wetland line. A siltation barrier will be located at least 16 feet from TOB and 20' from the wetland. The foundation walls will be built to building regulations as they pertain to properties within flood zones. The first floor will be above the flood elevation (12) at approximately 13.6 according to the Applicant's engineer. MR states that the work as proposed will not negatively impact the resource areas and recommends that the Taunton Conservation Commission approve this project and issue an Order of Conditions to include the attached Special Conditions 1-5, 17, 19, 21, 23-27. MR also recommends that the Commission approve the delineation as noted above for reference purposes only. Keith and Kelly Enos, 241/2 Ingell St. Concerned about the construction, flooding, the river's height. Motion to approve as stated LF, 2nd MI, 4(NK, LF.RE, ST):3 (DB, MI, EE) so voted and approved.
5. **4 Prospect Hill St, SE 73-2675.** Nick Dufresne, engineer. This filing is for the approval of a wetland delineation of two areas within the upper northeast segment of the property. The delineation was done by Ecosystem Solutions in July, 2016. There were two distinct areas delineated; the smaller of the two is located in the northwest corner and seems to be fed by stormwater from Scadding Street, and the larger is an Isolated Land Subject to Flooding (ILSF) located to the west of the first system. Paths intersect throughout this property and a large beech tree is located between the two wetlands. Wetland 1 was flagged using series #6 to #18 and Wetland 2 was flagged with flags 100 to 117. MR recommends that the Taunton Conservation Commission approve the delineations and issue an Order of Resource Delineation (ORAD) for this property. Motion to approve MI, 2nd DB, so voted.
6. **110 County Street, SE 73-2676.** Hearing opened but no one attending so Field Report was not read. Motion to continue to November 14th DB, 2nd MI, so voted.

Violations

3. **39 Cortland Place.** Auzirio Melo, owner. A gazebo and above ground pool were erected without filing first with Conservation or with the building Department for a building permit. Mr. Melo stated that he takes down the 4' pool every year. Empties water on the lawn. He didn't know he needed a permit for the structures.

Motion to file with Conservation and the Building Dept. Hold the violation until he comes back with the filing DB 2nd LF, so voted.

4. **88R Wales Street.** J.P. Thomas and Peter Thomas attending. Violation regarding construction and filling within 10 feet of the wetland without filing. JP said that they wanted to "pretty up" the area, improve the area. They built the fence around the storage trailer. The fence is on top of blocks. It's not permanent – moveable. There is a chainlink fence along the property line. They went right up to the fence. They thought they did it the "right way". They want it to be a patio. LF, NK. It is an improvement over what was there. ST the neighbors are happy. DB The silt fence is on both sides of the blocks. It's a public safety issue.

Motion to remove the violation and keep barriers there along the wetland and clean up the area in the rear. DB, 2nd LF, so voted.

Other Business

Next year's Meeting Schedule: please review and suggest 2 meeting dates for March, April, May, June, October, and one for the others.

Conflict of Interest certificates – got all but Steve's.

DB, 2nd NK Adjourn at 8:30pm

Submitted by Michele Restino, Conservation Agent